

4-4-010 STANDARDS AND REVIEW CRITERIA FOR KEEPING ANIMALS:

A. PURPOSE AND INTENT:

Since the nature of growth generates greater competition by both humans and animals for available space, it is imperative that growth and the keeping of animals be located appropriately and managed effectively to ensure compatibility and harmony. In particular, animals need to be monitored to lessen the impacts of noise, odor, and potential nuisance not only on-site but more particularly to adjacent properties. Animal owners keep their animals for a variety of reasons including, but not limited to, companionship, affection and protection. In order that the keeping of animals may coexist harmoniously with adjacent and abutting uses, regulations are necessary.

B. AUTHORITY:

1. Responsibility: Responsibility for enforcement of the provisions of this Section shall be as follows:

a. Animal Control Officer: All those matters related to care, maintenance, and individual licensing.

b. Development Services Division: All those matters concerning land use and zoning. Any doubt regarding responsibility will be administratively determined.

C. APPLICABILITY:

The keeping of animals by an owner/tenant where permitted in the zoning districts shall comply with the requirements of this Section. These regulations shall apply to existing and future cases where an owner/tenant is keeping animals.

D. EXEMPTIONS:

Household pets as defined in RMC [4-11-160](#) are a permitted use in all zones in the City and as such are not regulated by this Section provided they number three (3) or less. (Amd. Ord. 4999, 1-13-2003)

E. PROHIBITED ANIMALS:

See RMC [6-6-12](#).

F. GENERAL REQUIREMENTS FOR KEEPING ANIMALS:

- 1. Residence:** It is assumed that an animal owner either lives on the property where an animal is kept or has arranged with a tenant to care for the animal.
- 2. Shelter Location:** Shelter shall be provided in clean structures located a minimum of twenty five feet (25') from any property line unless otherwise specified in RMC [4-4-010G](#) and H, Additional Requirements for Hobby Kennels (Four (4) to Eight (8) Animals), or Additional Requirements for Kennels (Nine (9) or More Animals). Private barns and stables shall be located a minimum of fifty feet (50') from any property line. All structures, corrals, feeding, exercising, training, riding or other facilities associated with commercial horse and pony boarding, riding stables, and schools shall be located a minimum of fifty feet (50') from any property line.
- 3. Confinement:** All animals shall be kept and maintained in a manner which confines their movement and activity to the premises of the owner/tenant.
- 4. Health and Safety:** All animals shall be kept in such a manner so as not to create any objectionable noise, odor, or otherwise cause to annoy or become a public nuisance to the health, safety or general welfare of any person.
- 5. Animal Waste:** Animal waste shall be properly disposed of, and any accumulated animal waste must not be stored within the shelter setback area. Steps must be taken to minimize odor and the potential for the infestation of insects or the spread of disease. Any storage of animal waste must not constitute a nuisance as defined in chapter [1-3](#) RMC.
- 6. Fencing:** Electric and barbed wire fences may be used to confine animals provided the conditions of RMC [4-4-040](#), Fences and Hedges, are met.

G. ADDITIONAL REQUIREMENTS FOR HOBBY KENNELS (FOUR (4) TO EIGHT (8) ANIMALS):

1. Fencing Required: All open-run areas shall be surrounded by a six foot (6') fence located a minimum of ten feet (10') from all property lines.

2. Waste Removal: Provision shall be made for the removal of animal and food wastes, to keep the kennel free from the infestation of insects or rodents or disease, and from obnoxious or foul odors.

3. Shelter Location: Shelter shall be provided in clean structures located only in the rear yard unless the Development Services Division, based upon information provided by an owner/tenant, determines that a side yard would be a better location for the shelter. The shelter shall be located ten feet (10') from side and rear property lines.

4. Hobby Kennel License: A hobby kennel license is required per RMC [4-9-100](#).

H. ADDITIONAL REQUIREMENTS FOR KENNELS (NINE (9) OR MORE ANIMALS):

1. Shelter: Shelter shall be provided for animals in clean structures which shall be kept structurally sound, maintained in good repair, contain the animals, and restrict entrance of other animals. These structures, together with associated runs, shall be located a minimum of fifty feet (50') from any property line and must be located in a rear yard.

2. Food and Bedding: Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.

3. Waste Removal: Provision shall be made for the removal of animals and food wastes, bedding, and debris disposal in order to keep the kennel free from the infestation of insects, rodents, or disease and from obnoxious or foul odors.

4. Criteria for Indoor Kennel Facilities: Applicants for kennels must show that indoor facilities have a sufficient heating and cooling system to provide a moderate temperature throughout the year; a sufficient ventilation system to circulate the air; an adequate natural or artificial lighting system to allow inspection and cleaning at any time of the day and that interior wall and ceiling surfaces are constructed of materials which are resistant to the absorption of moisture and odors.

5. Criteria for Outdoor Kennel Facilities: Outdoor facilities will be constructed to provide shelter from the weather and associated elements while providing sufficient space for animal movement and exercise. Adequate drainage must be provided to prevent water buildup and subsequent damage and to facilitate waste removal. Adequate fences or retaining walls must be constructed to contain animals and prevent intrusion by others.

I. REVIEW CRITERIA FOR KENNELS AND HOBBY KENNELS:

Special review criteria for all types of kennels to be considered by the Reviewing Official are included in RMC [4-9-100F](#).

J. REVIEW CRITERIA FOR BOARDING AND STABLES:

For uses such as commercial horse and pony boarding, riding stables, and schools the conditional use criteria of RMC [4-9-030](#) shall be applicable.

K. BEEKEEPING:

1. Minimum Setback: Hives shall be located a minimum of twenty five feet (25') from an interior lot line, with the hive(s) entrance(s) facing away from the nearest property line. Hives shall be located a minimum of one hundred feet (100') from public and/or private rights-of-way or access easements.

2. Maintenance Standards:

- a. Hives shall be maintained to avoid overpopulation and minimize swarming, for example by requeening regularly, so as not to become a nuisance.
- b. Hives shall be marked or identified to notify visitors.

L. NONCONFORMING USES:

In cases where the keeping of animals does not comply with these regulations, the situation shall be classified as a nonconforming use. ~~The owner/tenant shall be allowed to keep the number of animals existing at the time the Section became effective (7-15-1985).~~

~~1. **Animal Replacement:** Property owners/tenants who lose an animal after the effective date of this Section shall not be allowed to replace the animal with a similar type of animal.~~

~~2. **Transferability:** Furthermore, for the purposes of this Code, nonconforming use rights belong to a property owner and are not attached to the property and therefore are not transferable from one property owner to another with the sale of the property.~~

M. VIOLATIONS AND PENALTIES:

1. Compliance with Current Code Regulations: In those situations where the keeping of animals does not comply with these regulations and the situation is not classified as a nonconforming use, then the owner shall have to comply with the Code regulations.

2. Fines: Violation of land use permits granted are subject to fines established in this Code. All other violations of police regulations shall be administered in accordance with Chapter [6-6](#) RMC, Animals and Fowl at Large.

(Ord. 3927, 7-15-1985; Ord. 4351, 5-4-1992; Amd. Ord. 4963, 5-13-2002)